

## Where Can You Get Help?

### Misdemeanor

If you have a misdemeanor conviction or you were charged in a municipal court, Legal Aid can help you apply to have your record sealed. You can also check with the court that heard your case to see if it has forms you can use yourself. Go to [www.ohiocourtlinks.org](http://www.ohiocourtlinks.org) or the web site for that city.

### Felony

If your case was heard in Common Pleas Court in Cuyahoga County, you can get help from the Public Defender in Cuyahoga County (216-443-7223). In Geauga County, you can get help from the Public Defender if they handled your case (440-279-1890). In Lorain County, the Common Pleas Court has forms you can use at [www.loraincounty.com/clerk/legal-division-forms](http://www.loraincounty.com/clerk/legal-division-forms).

In Ashtabula, Geauga, Lake and Lorain Counties you can contact Legal Aid for assistance.

A helpful guide to sealing criminal records, *Understanding and Sealing Criminal Records in Ohio*, prepared by the Ohio Justice & Policy Center and Ohio Poverty Law Center (2011), is available at [www.lasclev/have-a-criminal-record](http://www.lasclev/have-a-criminal-record).

## Where Do You Start?

The first thing you need to do to have your criminal record sealed is to get a copy of the journal entry of your conviction. You usually get that from the Clerk of Courts where you were convicted. The county sheriff's office can provide a County Conviction Record Transcript, also known as a **'police check.'**

Legal Aid can prepare the forms that you need to file for an expungement and will give you instructions about how to file them.

If you represent yourself in court, Legal Aid will tell you how to do that. You will be responsible for attending hearings or interviews scheduled by the court.

If the court orders your record sealed, all offices that have a copy are ordered not to use the record, except under special circumstances. We will tell you what to do to make sure that that order has been followed.

If the Public Defender handles the sealing of records, they will prepare the forms and represent you in court.

### REMEMBER:

*This information cannot take the place of advice from a lawyer. Each case is different and needs individual legal advice. You should contact a lawyer if you need representation or if you have questions. If you have a communications limitation, contact us through the Ohio Relay Service at 1.800.750.0750. Interpretation services are available so that you can communicate with us in your dominant and/or preferable language*



The  
Legal Aid Society  
of Cleveland  
Since 1905

*This pamphlet was prepared by  
The Legal Aid Society of Cleveland which serves  
low-income people in Ashtabula, Cuyahoga,  
Gauga, Lake and Lorain Counties.*

### Cleveland

Phone: 216.687.1900  
Toll-Free: 888.817.3777

### Elyria

Phone: 440.323.8240  
Toll-Free: 800.444.7348

### Jefferson

Phone: 440.576.8120  
Toll-Free: 866.873.9665

### Painesville

Phone: 440.352.6200  
Toll-Free: 888.808.2800

[www.lasclev.org](http://www.lasclev.org)

# How to Get Your Criminal Record Sealed



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of Cleveland  
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## What Does “Sealing A Record” Mean?

In Ohio, adult convictions cannot be “expunged” or completely erased from your record. Instead of expungement, Ohio uses a court process called “sealing a criminal record.” If your record is sealed, you do not have to disclose your conviction, arrest, or any charge against you when you apply for most jobs or for housing.

Even if a record is sealed, some offenses may prevent you from getting a job such as caring for children, older persons, or developmentally handicapped persons; or a job that has a substantial connection with your offense. You must report sealed records when enlisting in the military.

And, even if your record has been sealed, the Ohio Bureau of Criminal Identification and Investigation will still keep a record of your conviction. It also will be available to some employers for some jobs. Law enforcement officers will have access to your sealed record if you are charged with a crime later.

## Who is Eligible To Seal A Criminal Record?

If you are a **first-time offender** who has only one conviction for either a felony or a misdemeanor and who has no charge pending, you may be eligible for sealing your record. If two or more convictions are connected with the same act, they count as one conviction.

You **cannot seal** a conviction for sex crimes, traffic offenses, crimes of violence, and first or second degree felonies.

## When Can You File?

You must wait a certain amount of time after the **‘final discharge’** of the sentence for your conviction before you apply for your record to be sealed. Final discharge means you finished serving any community service, jail, or prison sentence, any term of probation or parole, and paid any fines or costs.

- **FELONY:** You must wait **at least three years** after final discharge.
- **MISDEMEANOR:** You must wait **at least one year** after final discharge.
- **ARRESTED BUT NOT INDICTED:** You must wait **at least two years** from the time that a grand jury failed to indict you **and** the jury’s report of “no bill” was returned.
- **NOT GUILTY OR NOLLED:** You can file **any time** after you were found not guilty, your case was nolle (dropped), or your case was dismissed **and** that information has been recorded in the court’s journal.

## What Does it Cost?

It usually costs \$50 to file a motion to seal a conviction record. The cost may be higher in some courts. However, if you are a low-income person, you may file with a poverty affidavit and pay the costs later. Filing an application to seal a not guilty, nolle, or dismissed record is FREE.

## Does Everyone Get Their Record Sealed?

No. The prosecutor may object. It is up to the court to decide whether to allow a record to be sealed.

## What about Arrest Records?

An arrest record can hurt you almost as much as a conviction. Therefore, it is important to try to get it sealed.

If you were arrested, but were never charged and never went to court, you can ask to have your arrest record sealed by writing a letter to the chief of police in the community where you were arrested. The chief is more likely to seal your record if several years have passed since your arrest. With your letter, you need to enclose a copy of your arrest record. You can get a copy of your arrest record from the police department of the community where you were arrested. Your letter should explain the reason why you want your arrest record sealed. For instance, you might say you want your record cleared so that you can get a better job or housing. Legal Aid will help you prepare the letter.

## What About Juvenile Records?

Juvenile records can be sealed and expunged depending on the outcome of the case. If you were found to be not delinquent, unruly or a juvenile traffic offender, your record will be erased.

If you were found delinquent, unruly or a traffic offender, the court must either seal your record or send you a notice that you can apply to the court for an order to seal your record two years after your case is over. You can ask that your record be expunged after it is sealed. Your record will be erased either five years after your case is over or when you turn 23 years old, whichever comes first.